

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRAND MARKETING GROUP, LLC *doing*  
*business as* THERMABLASTER,

Plaintiff,

12cv1572

**ELECTRONICALLY FILED**

v.

INTERTEK TESTING SERVICES NA, INC.  
*doing business as* INTERTEK TESTING  
SERVICES

Defendant.

**Verdict Slip**

**I. Plaintiff's Claim/Cause of Action**

1. Did the Defendant, Intertek Testing Services NA ("Intertek") negligently misrepresent itself to Plaintiff, Brand Marketing Group ("Brand")?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

2. If you answered "yes" to Verdict Question No. 1, regarding liability of Intertek to Brand, please state the total amount of damages sustained by Brand, without duplicating the damages, as follows:

a. Compensatory Damages (to compensate Brand for harm caused by Intertek pursuant to Verdict Question 1)

(1) Past Damages - \$ \_\_\_\_\_

(2) Future Damages - \$ \_\_\_\_\_

b. Punitive Damages - \$ \_\_\_\_\_

## **II. Defendant's Three Counterclaims/Causes of Action**

### **A. First Counterclaim/Cause of Action**

3a. Did Brand infringe upon the intellectual property trademark rights (ex. Intertek's ETL Listed Mark) of Intertek under the Lanham Act?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

3b. If you answered "yes," to Verdict Question Number 3a, answer the following question:

Was the infringement willful (meaning deliberate, fraudulent, and/or malicious)?

If you answered "no" to Question Number 3a, please do not answer Question Numbers 3b and 3c, and proceed to Question Number 4a.

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

3c. If you answered "yes" to Verdict Question Number 3a, regarding liability of Brand to Intertek on the trademark infringement claims under the Lanham Act, please state the total amount of damages sustained by Intertek, without duplicating the damages, as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand under Verdict Question Number 3a).

(a) Past Damages - \$ \_\_\_\_\_

(b) Future Damages - \$ \_\_\_\_\_

### **B. Second Counterclaim/Cause of Action**

4a. Did Brand fraudulently misrepresent itself to Intertek?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

4b. If you answered "yes" to Verdict Question Number 4a, regarding liability of Brand to Intertek on the fraudulent misrepresentation counterclaim, please state the amount of damages sustained by Intertek, without duplicating the damages as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand under Verdict Question Number 4a).

(a) Past Damages - \$ \_\_\_\_\_

2. Punitive Damages - \$ \_\_\_\_\_

**C. Third Counterclaim/Cause of Action**

5a. Did Brand fraudulently conceal information from Intertek?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

5b. If you answered “yes” to Verdict Question Number 5a, regarding liability of Brand to Intertek for fraudulently concealing information, please state the total amount of damages sustained by Intertek, without duplicating the damages, as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand pursuant to Verdict Question Number 5a).

(a) Past Damages - \$ \_\_\_\_\_

2. Punitive Damages - \$ \_\_\_\_\_

SO SAID BY ALL

Dated: \_\_\_\_\_

Signed by all jurors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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